

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 12, 1967
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Akin presiding.

Roll call:

Present: Councilman Janes, LaRue, Long, Nichols, Mayor Akin

Absent: None

Present also: R. M. Tinstman, City Manager; Doren R. Eskew, City Attorney; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND CHARLES A. SUMNERS, Rector, St. Davids Episcopal Church.

LIEUTENANT R. C. SCOTT presented twelve cadets. The Mayor and Council welcomed the following:

WILLIAM BOUSQUET	M. Z. ECKERT
TOM EVANS	JIMMY HEMPHILL
CHARLES HICKEY	WAYNE HOMUTH
ROBERT MARTINEZ	ROBERT READER
RICHMOND SLATE	MICHAEL SLATER
JAMES BECK	TRAVIS KOEHLER

MR. FRANK MONTGOMERY filed a petition from the AUSTIN APARTMENT ASSOCIATION, asking the Council to appoint a Citizens' Committee to study and recommend a change in the zoning text relating to the density requirements in the various height and area classifications. "BB" Residence First Height and Area permits one unit for every 1500 square feet of land; Second Height and Area provides one unit for every 750 square feet. First Height and Area does not provide quite enough, and Second Height and Area permits too much. He recommended an interim category of one unit for every 1,000 square feet, and asked that some change in the zoning ordinance be considered. In answer to Councilman Long's question, Mr. Montgomery stated the Austin Apartment Association was about four years old and there were about 100 apartment owners who would represent about 70% of the apartments in Austin. Their purpose, like most professional organizations is maintaining a Code of Ethics. Councilman Long asked if they had taken up the discussion of fair housing. He reported a committee was appointed, of which

he was Chairman, and the intent is to urge their members to adopt some type of policy. He reported Judge Reavely appeared before the Real Estate Board recently and his figures were, after interviewing 86 apartment owners, representing 3900 units, that 49 would support open housing; 29 would consider it; eight at this time would not consider it. Councilman LaRue inquired about the percentage of dwellings that were apartments. Mr. Montgomery stated during the last two years about 65 or 66% of total construction was apartment construction. He anticipated even an increase, as next year there will be more people under 25 years of age than over. Mr. Montgomery pointed out the Apartment Hotel Provision was one of the incongruities of the zoning ordinance. He asked the Council to consider the adjustment in density in the zoning text. After discussion, Councilman Long moved that this resolution be sent to the Planning Commission asking them to make a study of the situation and to report back to the Council in the very near future with a recommendation. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Resolution sent to the Planning Commission is as follows:

"R E S O L U T I O N

"WHEREAS, the Apartment Industry is an important economic factor in the continued growth of the City of Austin; and

"WHEREAS, there are presently within the Zoning Ordinance of the City of Austin certain incongruities relating to the density requirements of apartments in the City of Austin; and

"WHEREAS, it is felt that the continuation of these incongruities will result in the creation of additional inequities and burdens to the local Apartment Industry;

"NOW THEREFORE BE IT RESOLVED, by the members of the Austin Apartment Association in regular meeting at Austin, Texas on September 20, 1967, that the Austin City Council be apprised of these incongruities and that we would therefore further respectfully request the Council, at the first opportunity, appoint a Citizen's Committee to study such matters as related to above and to make recommendations to the City Council for their action in regard to solving the aforesaid problems.

"Unanimously adopted this 20th day of September AD 1967.

"s/ Andy F. Wagner
President, Austin Apartment Association"

MAYOR AKIN introduced graduate students from Germany:

Peter Dehn (Dean), Government
Wolfhard Vogel (Fogel), Electrical Engineer
Theo (Tao) Langenbruch (Lagenbrook), Linguistics.

Also recognized and welcomed by the Council was MRS. HARRY AKIN, wife of the Mayor.

MR. LEWIS COOK was recognized and welcomed.

Corrected Minutes of September 30, 1967 were noted. Councilman Long stated the Minutes were accepted last week subject to correction made, and no further action needed to be taken.

PREVIOUS ITEMS

The Council had before it for further consideration the following zoning application:

CITY OF AUSTIN	1623-1631 Wilshire Blvd.	From "A" Residence
	4100-4224 Airport Blvd.	To "GR" General Retail
	1734-1748 Schieffer Ave.	(or a more restrictive zoning district)
		RECOMMENDED "BB"
		Residence District by the Planning Commission

Councilman LaRue said one of the questions in the mind of the Council was the value of the property, and the decision would hinge upon the value. Councilman LaRue moved that the Council ask that appraisals be made of the property and brought to the City Council so they could determine whether this zoning should take place or not based on various zonings--the Recommended "BB" Residence 2nd Height and Area; "B" Residence 1st Height and Area, and on "GR" General Retail. The motion was seconded by Councilman Nichols.

Councilman Long stated in view of the community feeling in this area; and in view of information concerning this being used more as an area park rather than a neighborhood park, that she would frankly favor leaving this as park and open space and not going to the expense of making a survey and having estimates made of the property when she, for one, did not intend to zone it and sell it, unless it was to be known the price of the property that they would have for a park. She would not vote against having it appraised; but with her information she wanted to keep it for park purposes, as it would make a continuous green area, joined in with the airport area. In view of the rapid growth and expansion of the City, she hesitated to see more of the green area sold off, particularly where they are adjacent to park areas. If it were not adjoining a park, she would see no reason for not disposing of it, but this property should be kept in its natural state and kept mowed, and perhaps made into a picnic park. Mayor Akin said he shared the enthusiasm of the people and Councilman Long's feeling about the desirability of this tract's being used for park purposes, but it might serve a useful purpose to have an appraisal, for no other reason than to indicate just what the property is costing the City for good economics so the Council would know how far they were going financially to provide such facilities if they could be afforded. Councilman Janes suggested that the Parks and Recreation Board make a formal recommendation.

Roll call on Councilman LaRue's motion showed the following vote:
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) LOTS 1, 2, 3, & 6, BLOCK 10, RESUBDIVISION OF BLOCK 10, FAIRVIEW PARK, AND LOTS 5A, 8A, & 9A, RESUBDIVISION OF LOTS 4, 5, 8, 9 & 10, BLOCK 10 OF THE RESUBDIVISION OF BLOCK 10, FAIRVIEW PARK, LOCALLY KNOWN AS 200-210 PARK LANE, 201-205 AND 209-211 THE CIRCLE AND 1400-1404 DRAKE AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; ADDITIONAL AREA: LOT 4A RESUBDIVISION OF LOTS 4, 5, 8, 9, AND 10 OF THE RESUBDIVISION OF BLOCK 10, AND LOT 7, RESUBDIVISION OF BLOCK 10, FAIRVIEW PARK, AND A 6696 SQUARE FOOT PARCEL, LOCALLY KNOWN AS 207 THE CIRCLE, 1406-1410 DRAKE AVENUE, AND 212-214 PARK LANE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; (2) A 10,710 SQUARE FOOT PARCEL OF LAND IN BLOCK 9 OF THE WARD ADDITION, LOCALLY KNOWN AS 3704 GROOMS STREET AND 3705 GRIFFITH STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (3) LOTS 10 AND 11, BLOCK F OF THE RAYMOND SUBDIVISION, LOCALLY KNOWN AS 617 AND 619 HENDERSON STREET, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (4) A PORTION OF LOT 2, BLOCK K OF THE SANTA MONICA PARK SUBDIVISION, SECTION 3, LOCALLY KNOWN AS 2210-2234 BEN WHITE BOULEVARD AND 3602-3624 CATALINA DRIVE, FROM "GR" GENERAL RETAIL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (5) A 7.46 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1800-1810 WOODWARD DRIVE AND 3400-3438 PARKER LANE (PROPOSED), FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (6) LOTS 5, 6, AND 7, OUTLOT 102 OF THE ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 806-814 SAN ANTONIO STREET AND 501-515 WEST 9TH STREET, FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A ONE-HALF ACRE TRACT OF LAND, LOCALLY KNOWN AS 1708-1710 WHELESS LANE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Nichols moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: Councilman Long

The ordinance was read the second time and Councilman Nichols moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: Councilman Long

The ordinance was read the third time and Councilman Nichols moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: LOTS 1-13, CLOCK C, AND LOTS 1-10, BLOCK K OF WEST GATE SQUARE SUBDIVISION, LOCALLY KNOWN AS 4718-5008 WEST GATE BOULEVARD,

4800-4906, 4801-4909 AND 5001-5009 WEST WIND TRAIL,
AND 2200-2202 JONES ROAD, FROM "A" RESIDENCE DISTRICT
TO "BB" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED
IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE
RULE REQUIRING THE READING OF ORDINANCES ON THREE
SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None
Present but not voting: Councilman Nichols

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None
Present but not voting: Councilman Nichols

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None
Present but not voting: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

NEW ITEMS

Parade Permits

Councilman Long moved the Council approve the requested permits for parades:

1. Shrine Circus Parade
2. All Veterans Day Parade

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The City Manager submitted the following:

"October 10, 1967

"Mr. DeBerry
City of Austin
P. O. Box 1088
Austin, Texas 78767

"Dear Mr. DeBerry:

"With reference to our recent phone conversation, please consider this letter as a more formal request for the Austin Association of Home Builders to close (with gates) Fairbanks Drive, in Cameron Park, during the Duplex Home Show, Oct. 14-22. As I mentioned, no one is now living on the street, thus its closure would not inconvenience anyone.

"Thanks for your help.

"Sincerely,
s/ Ken Zimmerman
Ken Zimmerman"

Councilman Nichols moved the Council approve the request of the Austin Association of Home Builders to barricade Fairbanks Drive for Parade of Homes - October 14-22. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman LaRue moved the Council approve the request of DOWNTOWN OPTIMIST CLUB to use city property on North Lamar and San Gabriel to sell Christmas Trees. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

PUBLIC IMPROVEMENT

Houses

The Building Official reported these houses had been considered and a hearing was held by the Building Standards Commission. MR. RESAU L. ZAMORA, owner of the house at 1012 Vargas Street, has been hospitalized for some time, and he asked that he be given another 60 days to bring this house up to standard. The Building Official recommended that the extra time be given.

Councilman Nichols moved that the recommendation of the Building Standards Commission be upheld on the following:

Rev. Robert T. Shorts
1200 Perez Street

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner be given 60 days from February 8, 1967 in which to repair or demolish the structure; that after expiration of the 60 day period, the owner has failed to repair or demolish the structure, the Legal Department of the City of Austin be instructed to seek judicial determination that the above structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings

in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

Mr. Francisco Zaragosa
4910 Sara Drive

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner of said property be given 90 days from November 9, 1966, in which to repair the structure; that after expiration of the 90 day period, the owner has failed to repair the structure, the Legal Dept. of the City of Austin be instructed to seek judicial determination that the above structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

Mr. Francisco Zaragosa
4912 Sara Drive

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner of said property be given 90 days from November 9, 1966, in which to convert this unit into an accessory building; that after expiration of the 90 day period, the owner has failed to convert this unit into an accessory building, the Legal Department of the City of Austin be instructed to seek judicial determination that the above structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

Mrs. Lola Wicks
2103 Washington Street

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner of said property be given one hundred and twenty days from December 14, 1966, in which to comply with

the requirements of the Minimum Housing Code; that after expiration of the one hundred and twenty day period, the owner has failed to comply with the requirement of the Minimum Housing Code, the Legal Department of the City of Austin be instructed to seek judicial determination that the above structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings in favor of the City of Austin the failure of the defendant to abate the nuisance, the forces of the City, with permission of the court, be empowered to demolish the structure and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

Mr. Francis Sanchez
2313 East 8th Street

- That the structure located on this lot be declared a public nuisance by the City Council; that the City Council refer this unit to the Legal Department; that the Legal Dept. cite the heirs by publication and seek whatever legal jurisdiction necessary to demolish this unit; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

and that the recommendation of the Building Official be upheld on the following house granting the owner an additional 60 days:

Mr. Resau L. Zamora
1012 Vargas Street

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner of said property be given 60 days from June 14, 1967, in which to repair or demolish the structure and clean the premises; that after expiration of the 60 day period, the owner has failed to repair or demolish the structure and clean the premises, the Legal Dept. of the City of Austin be instructed to seek judicial determination that the above structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and

enforceable line against the property upon which the above mentioned structure is located.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

ANNEXATION

At 10:30 A.M., Mayor Akin opened the hearing on annexation ordinances. No one appeared to be heard. Mayor Akin announced that it had been customary to automatically hear all requests for annexation where they have been requested. He suggested that there be some background on these items. The City Manager stated the Director of Public Works served as chairman of an administrative committee which reviews and analyzes these annexation requests.

The Director of Public Works reported the Committee consisted of MR. VIC SCHMIDT, Director of Water and Sewer Utilities, MR. CHARLES MORGAN, Drainage Engineer, MR. GEORGE HOKER and himself from the Public Works Department, and representatives from the Planning Department. When a request for annexation comes in, this committee meets and checks utilities, drainage. Any problems that might occur are worked out before the request is brought to the Council. Each request was reviewed as follows:

42.89 acres of land out of the George W.
Davis Survey - Austin Independent School
Tract - Murchison Junior High School.

Councilman Long noted when schools request annexation, they were never refused. She suggested possibly they should be taken in before construction started so there would be control over the streets and egress and ingress to the schools. The Director of Public Works reported that Dr. Carruth and other School Officials had authorized paving any unpaved streets by a school site, and that the schools would pay their share. The Mayor asked if it would be possible to do as Councilman Long had suggested--to annex before the schools were built. The City Manager stated it would be feasible about the time the development began, and this would be pertinent so that traffic could be controlled.

0.45 of one acre of land out of the T. J.
Chambers Survey - Proposed Dry Creek Sub-
division, Section 4.

The Director of Public Works stated this was a one lot short form subdivision with no problems. In answer to Councilman Long's inquiry, he stated a sewer line was on property next to this, and sewer would be available to this .45 acre tract.

38.39 acres of land out of the James
Mitchell Survey No. 17 and the James P.
Wallace Survey No. 18 - unplatted land.

The Director of Public Works said this was property owned by Mr. Mayfield who requested its annexation for a proposed sub-

division. Utilities are in the vicinity and can be extended. Councilman Nichols noted this tract was to the west of a proposed 100 acres that Mr. Mayfield purchased in the area, and he brought in 50 acres, omitting 40 acres, and was going west of this 40 acre tract and requesting more annexation. The Director of Public Works pointed out the area on the map stating there was an area to the west of the property owned by Mr. Mayfield and Mr. John Whatley, not included in this request. Councilman Nichols noted there was in existence to the west of the pending city limit line and between this property and that property in question, land owned by Mr. Mayfield. This is in the area where Mr. Mayfield brought in for annexation, adjoining an area of homeowners who did not want to be annexed. Councilman Nichols stated Mr. Mayfield had moved beyond the 100 acre tract and yet he is permitting 40-50 acres to remain in the exterior bounds of the City. The Director of Public Works stated that was correct, and described the preliminary plan on which Mesa Drive would be extended.

8.34 acres of land out of the James P.
Wallace Survey No. 18 - unplatted land.

The Director of Public Works reviewed the 8.34 acre tract owned by Mr. Mayfield, stating a preliminary plan had been drawn and the streets are to be extended through to his subdivision.

0.40 of one acre out of the William
Cannon League - unplatted land.

The Director of Public Works reported this was a request by the Engineer, Mr. Robert Ogden, to annex a 15' strip onto a tract off of South 1st Street east of Stassney Lane, to adjust some easements on an existing subdivision in the city limits.

6.82 acres of land out of the T. J.
Chambers and George W. Davis Surveys -
Proposed NORTHWEST HILLS, SECTIONS 9
and 9-A.

The Director of Public Works said this was property near the Murchison Junior High School, and the request was made by MR. DAVID BARROW and MR. E. R. BARROW for Northwest Hills, Section 9. Northhills Drive the main street to the schools was added so that there could be police control from Balcones to the School. The street is paved, guttered and curbed. Some repair work needs to be done before it is accepted by the city. MR. D. B. BARROW stated the street was included in the request for paving.

4.52 acres of land out of the Henry P.
Hill League - Proposed Barton Terrace,
Section 5.

The Director of Public Works stated this was a subdivision off of BartonCreek owned by Jack Andrewartha. The request for annexation was made by Mr. Oscar Holmes, Engineer. All utilities are available to this subdivision.

Councilman Long stated under the present annexation policy which the Council has followed for many years, it has here, in one session requests to annex approximately 100 acres of new area. Every week there are two to three requests for properties coming in. She said Austin is growing orderly under this particular plan. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

Mayor Akin brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 42.89 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, 0.45 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS, 8.34 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18 IN TRAVIS COUNTY, TEXAS, 38.39 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 18 AND THE JAMES MITCHELL SURVEY IN TRAVIS COUNTY, TEXAS, 0.40 OF ONE ACRE OF LAND, SAME BEING A STRIP OF LAND FIFTEEN (15.00) FEET IN WIDTH OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

Mayor Akin brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF

4.52 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, AND 6.82 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS AND T. J. CHAMBERS SURVEYS IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

In connection with annexation, MR. H. L. AULT had property close to the Internal Revenue Service between the Interregional and Burleson Road and he would like to have it annexed. Councilman Janes asked him to contact the City Manager who would help him to get started on the procedure.

FINANCE AND ADMINISTRATION

Refund Contract

The Council had before it for consideration a refund contract with the following:

HENRY G. SANDERS	- For installation of water mains in
M. C. GRAHAM	Southwest Gate Addition (\$19,490.52.)

The Director Water and Sewer Utilities said this was a contract pertaining to an area in a recently acquired water district, and it was agreed with the district in the contract to purchase, to follow the same policies in the matter of refund contracts that the district had followed. This is an 80% refund on water only, and it is the same refund contract made in the city limits for water only. It is a regular contract in all other aspects.

Mayor Akin introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH HENRY G. SANDERS - M. C. GRAHAM, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Nichols moved that the rule be suspended and the ordinance passed to its second reading. The motion,

seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The ordinance was read the second time and Councilman Nichols moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The ordinance was read the third time and Councilman Nichols moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"Brackenridge Hospital
October 4, 1967

"MEMO TO: Mr. R. M. Tinstman, City Manager

FROM: Ben Tobias, Administrator

SUBJECT: BID #B-6709, MILK PRODUCTS, PER SPECIFICATIONS

"Bid #B-6709 is for furnishing milk and cream products to Brackenridge Hospital and Austin T. B. Hospital for a period of six months or twelve months beginning approximately October 15, 1967.

"The low bid this time is approximately 2% less than the current contract prices with Oak Farms.

"We recommend a 12 month contract with unit prices of the low bidder, Carnation Company.

"S/ Ben Tobias
Ben Tobias
Administrator"

"Sealed Bids Opened 10:00 a.m. September 28,
1967

Tabulated by: W. C. Moffett, Brackenridge
Hospital Purchasing Agent

"City of Austin Bids for Contract to Furnish Milk and Cream Products To
Brackenridge Hospital and Austin - Travis County T. B. Hospital Beginning
approximately October 15, 1967

	<u>"Net Amount 6 months contract</u>	<u>Net Amount 12 month contract</u>
Carnation Company	\$16,908.75	\$33,817.50
Oak FarmsDairies	17,885.00	35,770.00
Pure Milk	17,888.25	No Bid
Superior Dairies	17,847.20	35,694.40

"Recommend contract with low bidder, Carnation Company, for twelve (12) months contract.

R. M. Tinstman, City Manager"

Councilman Long noted in the past, contracts had been let for six months' periods, because of the fluctuation of milk prices during certain times of the year. This price is 2% less as in the past, and she asked if a year's contract would be better in the long run? The City Manager pointed out one reason for the lower price was the doubling of the quantity, and the bidder apparently felt enough confidence in the general price level of milk to be willing to enter into a firm contract for twelve months. Councilman Long noted the contract price for six months was the same for 12 months with no discount on the 12 months' period. Councilman LaRue stated the increase of costs of living would indicate this would be a good buy for the City of Austin. The City Manager stated the taxpayers' interests would be best serviced for a 12 months contract, as he would not anticipate a decrease in the price of milk during this period. Mayor Akin inquired about the specifications. The City Manager stated normally the specifications would include the grade of the milk and processed in accordance with the public health standards. He had not seen these particular specifications, but there were no complaints from any of the bidders that the specifications were not adequate. Councilman Long asked if it would be advantageous to purchase eggs on a contract basis like this, as the City might be able to save some money on a bid basis for a year on eggs. The City Manager stated he would look into this.

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 28, 1967, for the furnishing of Milk and Cream Products to Brackenridge Hospital and Austin--Travis County T. B. Hospital for a period of twelve months beginning approximately October 15, 1967; and,

WHEREAS, the bid of the Carnation Company in the sum of \$33,817.50, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent for Brackenridge Hospital of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Carnation Company in the sum of \$33,817.50, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Carnation Company.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

The City Manager submitted the following:

"October 10, 1967

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for one (1) thirty five ton Mobile Lifting Crane for the Power Plants.

"Sealed bids were opened in the office of the Purchasing Agent at 10:00 A.M. October 6, 1967 for one (1) thirty five ton Mobile Lifting Crane for the Power Plants.

"The bids received are as follows:

<u>Bidder</u>	<u>Brand</u>	<u>Net Total</u>
Ingram Equipment Co.	Link-Belt	\$75,680.75
Richards Equipment Co.	Lima	71,222.48
Jess McNeel Machinery Corp.	American	74,134.00
Central Texas Equipment Co.	P & H	<u>69,509.44</u>

"This tabulation is submitted with the apparent low bid meeting the City of Austin specifications and conditions underscored."

The Director of Electric Utilities reported this equipment would be needed in many ways in the next few years--for maintenance on the Longhorn Dam at times the gates need to be raised and repaired; on the Decker Dam as well as on the Decker Power Plant where the generators and motors are taken off for repair; and for setting towers on miles of high powered lines. This equipment has not been needed in the past; but the City is now in the big power category. The City Manager stated Mr. Kinney also would recommend this on the basis of preparedness for emergencies. On previous occasions they rented equipment for repairs, if it were available.

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 6, 1967, for one (1) thirty-five ton Mobile Lifting Crane for the Power Plants; and,

WHEREAS, the bid of Central Texas Equipment Company in the sum of \$69,509.44 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Central Texas Equipment Company, in the sum of \$69,509.44 be, and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Central Texas Equipment Company.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols

Noes: None

The Council withheld action on the following contracts:

WESTINGHOUSE ELECTRIC CORPORATION	- For 12 months supply of X-ray Film and Developer Chemicals at Hospital. (\$53,501.96)
--------------------------------------	---

Councilman Long noted it was pinpointed that a certain type of film was to be used--Dupont or Eastman, and asked if any one were being written out by these specifications. The City Manager asked postponement of this award until next week so that this could be checked out.

Bidder to be determined by casting lots	- For four 500 KVA Distribution Transformers. (\$9,764.00)
--	---

The City Manager asked that this award be held for one week due to the fact identical bids were received, and as he would like to review this matter with the City Attroeny.

Councilman Long asked if Mr. Kinney would have a map prepared showing these lines where the transformers are going with red and green pins, showing where these KVA Distributors and Transformers are, so that the Council could see what it is buying and where they are going, and where they have been. In this particular case, the Director of Electric Utilities stated these transformers were going underground to serve subdivisions. He stated he had the information she asked for on the map, and he would supply it for her.

Application of Brackenridge Hospital for Medicaid

Councilman Long inquired if this included the Tuberculosis Sanatorium. It was stated it was included in this application.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager, R. M. Tinstman, be and he is hereby authorized and directed to execute and submit to the Department of Public Welfare of the State of Texas that certain document dated October 6, 1967 entitled "Request for Designation as a 'Title XIX Hospital' under the Texas Medical Assistance Program" for Brackenridge Hospital.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

Hearing on Annexation Policy

At 11:00 A.M. Mayor Akin opened the publid hearing on annexation policies, and expressed appreciation of the presence of so many in this interest. He

regretted that the notice of hearing on the annexation policies brought a reaction of alarm and concern, as it was never the Council's intention to act on this expeditiously, but to have a thorough study, and there was nothing in the recommendation from the City Manager that there was an ordinance ready or any time schedule. Some had expressed their opinion that there was room for improvement in the annexation policy, but the Mayor stated his interpretation was that there was very little in the way of policy except what has been done on request of people in territories. He pointed out the City Manager was acting in response to a request from the Council for some basic recommendations and philosophic material on which the study was supposed to be carried on. It had been suggested that this matter be approached by a Council appointed Task Force for study and report back to the Council; but he felt the Council had a continuing responsibility in the matters in which it takes actions week by week. As to any study group, this is something the Council always welcomes and should avail itself of more frequently. Mayor Akin, on behalf of the Council, expressed confidence in the City Manager, a professional in his field, and he has some basis upon which to make his recommendation. The Mayor explained the approach to a study as proposed would not forego a consideration of all sides. It had been indicated only one side had been considered. Since there has been a great deal of expression through the press that the annexation matter should be placed in proper order, and Mr. Tinstman would explain his position of the City as it approaches annexation. Councilman LaRue stated this was ideas and proposals put before the Council for perusal.

The City Manager stated there were general recommendations but not specific recommendations made. He assured the Council and those present that this annexation proposal was not brought to the Council as a revenue consideration. The matter is presented as a general policy matter and the public hearing has been set to allow full opportunity for expression of views. He assured them no ordinance has been prepared setting out any policy at this time, and the matter is at the point of Council consideration only. To some extent the situation has been somewhat distorted or lost perspective and has caused unnecessary concern and this apprehension. He stated there had been no immediate annexation that had been proposed.

The City Manager reviewed maps showing the following:

City owned property -- fire stations, substations, electric utilities a large park, Decker Lake, a library site, and other facilities outside the city. Annexation of these properties was recommended.

School property outside the city limits. Several instances show school properties are across the street from the city limits, arousing the legal question of authorizing public units to render emergency services outside the corporation limits. Annexation of these schools was recommended.

Privately owned property surrounded on four sides by the City. Annexation in a reasonable and phased annexation program was recommended for these properties, representing some 950 acres.

Private properties surrounded by the City on three sides. Not all of this property is developed; and under the general policy he was submitting, he would at the appropriate time recommend annexation of an area surrounded on three sides provided (1) there is substantial development on at least two of the three sides; (2) that

the property in question is being developed in an urban fashion; and (3) that services could be extended to those areas that are being developed. This map shows those area (4,750 acres) that in the appropriate time in the future would meet that criteria. Not all of this property is surrounded by developed properties or being developed at this time, and they are not recommended for either prompt or immediate annexation.

Private property contiguous to the City. (4,170 acres) The City Manager stated these areas are being developed, or preliminary or filed subdivision plats have been submitted or pending. Annexation of these contiguous areas is recommended at the time they are being developed. If they are presently developed, it is recommended they be annexed in the near future; or upon the property owner's indication and intentions, that they be annexed prior to development and not afterwards.

Councilman LaRue asked for clarification of industrial development in the far reaches of one of the elongated sections shown. The City Manager explained he would recommend annexation after the subdivision plat had been submitted but prior to construction, on industrial, he would suggest at the time construction began. Councilman Long noted commercial and industrial development was being discussed, as no substantial subdivision within the last ten years had developed without having gone through the preliminaries and annexed. Councilman LaRue referring to a possibility that a factory of sheet iron building, employing 20-40 people asked if it were recommended that when construction began, that the entire tract be taken in. The City Manager explained he would not recommend that. Those areas would be annexed at the time the nearby and adjacent areas were being developed. Councilman LaRue stated the private property contiguous to the City more nearly described the development of subdivisions.

Federal, State, and Farm to Market Roads. The City Manager recommended annexation of those properties lying astride those routes, extending one mile from the existing city limits line; and on Federal and State routes, 500' on either side; and on farm to Market Roads, approximately 200' on each side. This would protect the approaches to the community.

The City Manager then showed a summary map of all of the properties falling within any criteria. These properties represent 11,500 acres, excluding the school and city properties. He stated they were not recommending annexation of vacant land just to be annexing. He then showed the general thoroughfare plan of the City, pointing out the shaded areas which were those anticipated to be subject to annexation under some of the criteria in the future.

Councilman Long asked if the City limit line had been found on the west side of Lake Austin. The City Manager stated this has a great deal of history involved, what the water level is, and how the distance is measured. It also gets into the municipality's ability to provide services. He suggested with reference to Lake Austin that some phased orderly progressive annexation be anticipated, based upon existing city limits on Lake Austin as can best be

determined as development begins to occur on either side of Lake Austin. He would rather not propose annexing one-half mile on either side of Lake for the whole length of Lake Austin at one time. Perhaps at some time in the future they would recommend annexing property up to some point for a reasonable distance primarily to protect the water shed, and those properties where the natural drainage is into Lake Austin, for sanitation purposes, that may be considered.

The City Manager stated the basic purpose of the summary map was to illustrate the substantial investment in public funds that will be made in the outlying areas--sewer lines, water lines, fire stations, etc., which under the five year Capital Improvement Program millions of dollars will be spent in public facilities to serve these areas as the community goes outward. This is justification for examining the plans for the communities further growth and protection of the public's investments.

In conclusion he stated \$53,500,000 would be spent in the next five years under the Capital Improvement Program; \$16,000,000 will be spent outside the present city limits. This is a significant factor for annexation for further growth of the community. Thirty percent of the public's investment in major capital facilities will be outside the city limits. In addition \$6,660,000 or 12% will be spent on 12 improvements located in the existing city limits, but will be serving areas both inside and outside the City. Nearly 1/2 or 42% will be spent outside the city limits serving areas on the outskirts of the City limits as well as property not outside. Councilman Long asked if his figures included the use by people living outside of the Coliseum, playgrounds and parks. The City Manager stated in the material distributed last week, there was mentioned the use of parks, freeways, thoroughfares, other services and benefits provided to those who work in or outside of the City limits. Commercial and industrial concerns benefit by having those facilities available to their employees. The City Manager concluded his presentation, hoping this program could be considered as a reasonable and orderly one; and that the term "immediate annexation" should not necessarily be used. He welcomed an opportunity to meet with any citizen groups to review this matter in more detail.

MR. DAVID BARROW, representing himself and his brother, both in the subdivision business, commended the Council for looking into this matter to inform itself. He said the City Manager's statement was good as well as his approach as to how annexation should be done. At the meeting of the Real Estate Board, the City Manager highly complimented the subdivisions in Austin as being well designed and well developed. Mr. Barrow stated the development of subdivisions under the annexation program had been sound, and this was the policy that should be followed generally. His direct interest concerned 2,000 acres in the northwest, in which the topography dictates the development. These areas had developed following a sound design practice on the topographical standpoint; then other areas developed as the demand came. Their specific case was a very substantial investment made on a policy that was fairly consistent in the City; and any change ought to be done gradually and carefully. He pointed out he had filed statistics to show in the Balcones area, the City makes a net profit of \$90,000 generally, because the homes were higher priced, and more water and electricity were used.

DR. LON MORGAN, President of the Chamber of Commerce stated the businessmen and organizations had invested much of their time, energy and funds to promote the economic growth and development in Austin, and they would continue their determined efforts to maintain this upswing in good economic development. The proposed annexation policy, when extrapolated to extreme, would alter significantly this vital course in Austin. He filed a statement signed by more than 250 separate businesses and property owners, that the proposed annexation policy

dated October 3, may have serious implications for the present economic strength and the future growth of Austin; commending the Council and Staff on their wisdom and judgment in the administration of annexation practices which have resulted in economic growth, protection and welfare of the City; and expressing confidence that the Council would handle any future annexation needs in the same judicious manner.

DR. MORGAN also read a resolution adopted by the members of the Business Development Committee of the Austin Chamber of Commerce, as follows:

"TO THE HONORABLE MAYOR AND MEMBERS OF THE AUSTIN CITY COUNCIL

"The greatest strength of any city is its continued growth and development. The City of Austin is at the threshold of extensive industrial expansion.

"An important motivating factor which has attracted industry and promoted related business growth to and within our city is the present tax structure of the City of Austin. It has been tangible proof of a consistent civic attitude and business climate, sincerely seeking increased job opportunities and payrolls, which is always vital to individual industrial locations and expansions.

"The proposed Annexation Plan will make it more difficult to attract new businesses to the Austin area. It will likewise inhibit the growth of present businesses now outside the city limits, whose recent expansions have impressively strengthened our economy.

"We are also firmly convinced that less revenue will accrue to the City of Austin, as a result of the proposed Annexation Plan, than under the present policies.

"New businesses bring people who pay property and sales taxes to Austin; they also hire Austin residents, increasing their standard of living and ability to pay taxes. These new businesses also create additional tax paying jobs needed to supply the housing, food, services and other needs of their employees. Finally, each new or expanded business often attracts smaller manufacturing and commercial suppliers whose employees further increase the tax base.

"Therefore, the Business Development Committee urgently recommends that the proposed accelerated annexation plan be abandoned, and that the orderly development of industry in the City of Austin be left undisturbed for the ultimate benefit of all our citizens.

"Respectfully submitted
s/ Curtis Fitzpatrick
Curtis Fitzpatrick, Chairman"

Dr. Morgan stated the business community would resist rapid annexation which would result in undue tax burdens. Annexation in the interest of the welfare and protection of the citizens would be supported. The Business Committee would support sound programs of the Council and would be willing to pay its fair share of taxes for services rendered.

MR. ROGER HANKS, President, Austin Board of Realtors, read a resolution adopted by the Board of Directors of the Austin Board of Realtors, as follows:

"WHEREAS, the present Annexation Policy of the City of Austin has been instru-

mental in the orderly development of our City.

"THEREFORE BE IT RESOLVED, by the Board of Directors of the Austin Board of Realtors that no action be taken at this session of the City Council concerning the proposed Annexation Policy in order for the membership of the Austin Board of Realtors to have sufficient time to determine that there is a need for a change.

s/ Roger S. Hanks
Roger S. Hanks, President

"The above Resolution was adopted by the Board of Directors October 10, 1967"

MRS. JOHN BARROW, representing the Travis County Democratic Women, stated this group had been studying annexation policies for a number of years and had met yesterday, and read with great interest the City Manager's proposal for an orderly annexation policy. She said the City had no policy of annexation; and as it was stated by one Council Member, the policy was created over a period of years by usage and found to be a sound policy. She criticized the idea that usage developed a sound policy, rather than a careful study of what is best for the City. She suggested that the annexation policies be studied not only for the business interests but for the interests of the City. She said the City Manager's proposal was the kind that should be brought to the people, and that Mr. Tinstman has skills, information, and foresight to offer what is needed in the ordinary planning in the City government. Mrs. Barrow expressed the necessity for long range planning of land uses. The annexation policy affects the future development of the City and is something that should be adopted.

COUNCILMAN LaRUE explained the policy established over the past few years was effected by the requests of individuals' wanting to come into the City, although this was not entirely the case. Since 1960 the City has annexed some 4700 acres, 700 having been brought into the City limits without the request of the property owner. This is an indication that those who feel that the City is not moving fast enough in annexing this property may not have had accurate information. Actually the policy has been put together by the requests of individual property owners, and by the study of the City to annex such property that would be to the benefit of Austin. He stated part of the meeting had been precipitated by the action of the Council about six weeks ago in taking in some 21.21 acres out of the George W. Davis Survey, over the protest of the property owners. Over 100 acres each year for the last six years have been annexed in the same manner. The formulation of the policy has been at the request of the individual and certainly upon the recommendation of the Planning Department and the City Manager.

MR. SAM STONE stated there was an ordinance drawn and a problem concerning the property owners on Cima Serena Drive who object to being annexed. The ordinance has been passed through its second reading, and the Council has assured these property owners that no final action would be taken until a formal policy had been devised. He asked if that understanding would continue and that the final reading of the ordinance be delayed until that time. The Mayor wanted clarification if this were the understanding. Members of the Council indicated that this was their interpretation. Mr. Stone emphasized the vital interest the citizens in this area have in this annexation.

October 12, 1967

Former Councilman Hub Bechtol was of the opinion the timing of this proposal for changing the annexation policy had come at an unfortunate time and had done some harm to orderly expansion of the community through the acquisition of additional industries in the area. A long, drawn out continued hearing and study would be additionally harmful. The best course of action and the one that would be the least harmful to the development of Austin properly, would be for the Council to decide quickly not to change the annexation policy of the City of Austin. Councilman Long asked if he would object to the thoroughfare annexation policy to protect the thoroughfares leading in and out of the city, 500' on each side. Mr. Bechtol said 150' would be adequate. He pointed out there are triple taxes on property in water districts which have been taken over by the City. He said there was a great deal of concern on the part of those who would locate industries in this community on the announcement that there would be a drastic change in the annexation policy. The only way to allay these fears and concerns would be prompt action by the Council to continue the successful policy as had existed in the city for a number of years.

In answer to Councilman Long's question, Mr. Bechtol stated the adoption of this policy today would be extremely drastic, and would bring the majority of the major industries immediately into the City of Austin. Councilman Long inquired as to the intentions of these industries if they would ever want to become a part of the city and help pay for part of the advantages. Mr. Bechtol stated Austin has a great deal to offer any industry; and it has the power to work out annexation with individuals. His theory was Austin was progressing in such a fine manner in its industrial growth, that there was no reason to change the policy.

COUNCILMAN LaRUE had visited with representatives of the industries around the City, found no opposition from any of coming into the City at the proper time. The question is, "when is the proper time?". Referring the action of the Council regarding the 21.21 acres about August 31st, he stated this was a good indication of "proper timing". When the area is effectively surrounded by other property in the City of Austin, it in effect becomes a hazard to that surrounding area. He asked Mr. McBee to comment on his idea of the proper time when industry should be annexed. Mr. McBee stated the fundamental problem was twofold: (1) Other cities over the country offer all sorts of inducements to industries--of providing a building for almost nothing, and other considerations. The industry has to determine the best place that it can operate at a profit. (2) What is the real dollar and cent advantage to the City. Is it better to have XYZ Company outside the City and leave it there and let it provide a significant number of tax paying people. He called for consideration of how much these industries really contributed to supporting the City even though they are outside. No industry wants a give-a-way deal, but wants to pay its fair share. Councilman LaRue stated Mr. McBee indicated he would agree that when an industry is effectively surrounded and becomes a hazard insofar as furnishing facilities to the rest of the areas, that would be the proper time for annexation. Mr. McBee stated that is a fair approach.

MRS. DAVID BLACK, League of Women's Voters, inquired about the discussion's being a change in ordinance or question of policy. Councilman Long explained this was no ordinance, but it is necessary to set a policy. Specific annexation of property is done through an ordinance.

MR. BILL GASTON distributed copies of an article covering a survey of 100 industrial parks throughout the United States that have properties for sale that

are attractive and appealing to industries; and about 50% of these industrial parks do not have inventory taxes levied when they are annexed into the adjacent communities. In Texas, when real estate taxes are levied personal property taxes also are levied. It appears, in these areas where the tax rates are similar to Austin's on real estate, but there is no inventory tax, that 50% of these areas do have a more favorable appeal for those industries which develop a significant inventory. In answer to Mayor Akin's question that if removing the inventory tax were legal and effected, would that remove his objection to annexation, Mr. Gaston stated it would reduce his objection.

MR. BOB LUSK commended the City Manager on his proposal and pictorial demonstration. He asked if the Chamber of Commerce and others had studied the City Manager's proposal. He read an article from PUBLIC MANAGEMENT MAGAZINE, May 1967, "Inducements Fail to Lure Industry", citing tax subsidies and other inducements to lure industrial plants to a particular area had been highly overrated, according to a survey of approximately 10% of the members of the Society of Industrial Realtors. Such inducements rated as least important, among 18 reasons listed by the realtors as influencing industrial firms in selection of their sites. Above tax and special inducements were adequate housing for labor and management, personnel, cultural aspects, availability of existing buildings, adequate police and fire protection, climate, proximity to the owners' homes, and proximity to market for the products of the plant, good transportation for personnel and materials, and availability of raw materials. The tax situation was the least important inducement as the tax could be passed on to the consumer. Mr. Lusk stated this proposal would bring in revenue as most of the industries already have the necessary services, most of which are utility extensions, which will not come out of taxes. Mr. Lusk claimed these industries were receiving fire services outside the city limits. He favored annexing the industries by the end of the year so they could go on the tax rolls and pay their taxes to the City.

MR. WESLEY PEARSON, former Mayor Pro Tex, concurred with DR. MORGAN, MR. BECHTOL, MR. DAVE BARROW and others who had presented their views, as they were people who had knowledge of what affects the growth of the City. He pointed out recent publicity had affected the city's growth, and that just this morning he had an inquiry from the president of an industry who was about to sign a lease, but who was wanting to know what was happening in Austin in regards to what is being proposed on the taxes. Mr. Pearson pointed out all industries pay the school tax and triple rate on the water. He agreed with Mr. Bechtol that those connected in industry welcomed an orderly policy of annexation which the City has been practicing. He said the City had a very orderly policy it had been following. Some of the new proposals have far-reaching effects in attracting industry here. Annexing 500' along the highway is too much and will stop the growth of some of the industries.

MR. FRANK HORSFALL suggested state legislation to permit cities of certain size to annex adjoining small cities if it were beneficial to the majority. Mr. Horsfall said people who live outside the city limits list their addresses as Austin. They use Austin on their stationery; yet they do not belong to Austin. He expressed hope that the Council would annex with discretion, and with good purpose taking the whole city into consideration, and that the annexation would take place.

MR. C. B. SMITH, Chairman of the first Economic Development Council, expressed amazement that some were surprised about the interest expressed by the

business, industrial and civic leaders over this particular program. The news media have been full of this particular program for over a week. Mr. Smith noted a number of men and women present who had been interested in payroll and industrial development for over 20 years, and the publicity given this matter this past week could undo many things that have been done in Austin during the past 20 years. Austin is on the move, and it should be kept going. If there is any indication that industries do not want to shoulder the tax burden in this community, that is not true. Large business institutions and industries have furnished leadership in Austin, and have contributed in all civic activities and will continue to do so. He congratulated Dr. Morgan, the Chamber of Commerce and the Industrial Council Committee on the work done the past week. He urged continuing a policy that would create and hold a health climate for business and payroll expansion in the City. Dr. Morgan pointed out it was the business owners who contacted him asking that the Chamber of Commerce get together on this.

MRS. BLOCK, familiar with factors involved in attracting University personnel, stated schools and parks were always mentioned. If industries were interested only in low cost of operation, it would be hard to keep the personnel. It is the whole City of Austin and all of its many aspects that attract industry.

DR. J. J. SEABROOK, President Emeritus, Huston-Tillotson College, was interested in keeping the young people in Austin and these businesses give them an opportunity to serve, and make good citizens. He said Austin was a fine town, good climate and lines of communication are open with the City Hall. These businesses give job opportunities for the low income people, and move business brings more people, more money, and more service; and from that standpoint, he would like to see more of the smart young people remain in this community.

MR. MEANS, stated the City had the authority to control any subdivision in the five mile limits. He could not understand why the City limits should be moved out because the city controls the distance anyway. It was explained the city's jurisdiction covered subdivisions of small tracts.

MR. CLYDE COPUS observed how freely names of new big industries were mentioned, stating this indicated something good must have happened in the past. The policy the City had in annexation certainly created an atmosphere that caused people who wanted to come into the city to do so. Something good in the past must still be good. He suggested that no long lengthy discussion on annexation take place, but that something be brought to a head so that industry could continue to expand. The leaders of the city and any industry looking at Austin would hope for an immediate decision by the Council.

COUNCILMAN LaRUE pointed out the names to which Mr. Copus had referred come very easily today, and two or three years ago those names were unfamiliar to the City. He submitted building permits issued in the Building Official's Office--1965, \$65 million; 1966, \$78 1/2 million, an increase of \$13 1/2 million. In 1967, with three months to go, there are \$90 million building permits. He stated in all probability the present annexation policy would be a contributing factor of the activities in the city limits.

DR. W. E. ROTH stated the City should be developed as an intellectual and cultural center and not as an industrial center of the State.

COUNCILMAN JANES said he was totally in favor of MR. TINSTMAN'S NO. 1 recommendation, that the practice of annexation on request would be continued;

and No. 4, that those areas surrounded or nearly surrounded subject to extenuating circumstances should be annexed; and additional annexation should stand on its own merits.

MAYOR AKIN stated the Council had received a good expression of view points on both sides. He referred to the closing statement of the Business Development of the Chamber of Commerce, stating "Therefore the Business Development Committee urgently recommends that the proposed accelerated plan be abandoned and the orderly development of industry in Austin be left undisturbed for the ultimate benefit of all of our citizens." The Mayor stated the Council would have to develop something more positive and more constructive, as instead of a policy of annexation, the City had an accumulation of practices. It was the Mayor's suggestion that the Council have some written policy, spelling out particulars, guidelines, and standards by which to arrive at some intelligent and fair decisions towards any specific annexation. He said the Council welcomes the help of the community and the business leaders to formulate a set of written guidelines.

The City Manager explained that in communications or documents given the Council, there were left some blanks to be filled in and he and the staff did not feel they were experts in attracting industry although some of the staff and he had previous and direct experience and negotiations in this field. Part of his concern was the lack of something definite with which to assure prospective industrial firms as to what they may reasonably anticipate. In the past, the City staff had found it difficult in responding to questions "What is the City's policy regarding annexation." He discussed the adoption of a resolution which would reflect a continuation or perhaps a better definition of what the practices have been; or dispense with this proposal go back to what has been done before. This question would be coming up more frequently as more and more industries look at Austin. He suggested a third alternate of drawing up a resolution reaffirming the past practice and the policy of the City of Austin in essence, that annexation would be accomplished upon request, and annexation when development and efficient rendering of utilities initiated by the Planning Commission or the Staff would so dictate. Councilman LaRue stated the last recommendation seemed to be quite in order, and he would be for that. No great difference would be made in what is printed and what would be handed to a prospective individual who wants to move into the City. A better indication of what the Council intends to do is what it has done in the past. The criteria of what a City does in the future is what it has done in the past, and the annexation practices have been acceptable to those who have come in, and it would be acceptable in the future, if someone wanted to put that same statement in writing, it would be fine.

COUNCILMAN LONG pointed out the Council, by Charter, was elected every two years, and this Council could set a policy that would prevail for only two years; and it is up to the people to carry out the type of policy by putting the type of people in office that would continue the policy they want. The policy she had was very clear; and there are no guidelines she would need to dictate the kind of policy she had to follow. She might vote for the policy in effect today, and the following day, there might be a different circumstance whereby it would be the time for a certain property to come in. If the Council passes a policy, it would be a general thing; and she would not tie herself to voting a certain way just because the Council passed it. Councilman Janes asked if it were her thinking that each case should be settled on its own merits. Councilman Long stated when people asked to be annexed, or where there are school and public properties, or areas where there might be a very serious situation created, they

would have to be annexed. Each case should be determined. She said the beautification and entrances into the City were important, and she did not think the 150' distance was wide enough. She did not think it was fair to even include those areas surrounded by the City, "holes in the doughnut" and force the people in. She stated services were being given to the business people, and she did not think they should be favored above the homeowners. She was not for a drastic plan; as in 1951, the City annexed more than it could service at that time. She thought since then they had a very good plan, but it is time for a re-evaluation; however she was not for a drastic plan.

COUNCILMAN NICHOLS would like to see the annexation of property as requested by the owner unless some undue expense or obligation upon other taxpayers is involved.

MR. WESLEY PEARSON expressed pride in the subdivision ordinance and commended the Council for taking a new look. He urged the Council to come to a conclusion as promptly as possible after studying the policy very carefully. Councilman Janes favored considering carefully the islands within the city that are in effect receiving all city services at this time. This would include Mr. Sam Stone's group. (92.57 acres Cima Serena area) Mr. Stone stated his client on Cima Serena did not fit into any category at this time, because there was development only on one side. Mayor Akin asked if the Council continued the present policy or practice and passed the ordinance through its final reading, would he consider there was a proper policy basis for this decision. Mr. Stone asked if the old policy were continued, that this ordinance be placed on the agenda for a future meeting so that his clients might still have the opportunity of expressing their displeasure and to show that their area does not fall within the category that has been set as a criteria. Councilman Janes stated as a matter of courtesy, that Mr. Stone would be notified.

In discussion of the policy, Councilman LaRue stated there may be some requests for annexation that may not be granted, when such annexation would be a greater burden on the citizens of Austin than would be justified. He said annexation would be a continuing study.

Councilman Long inquired why these little industries in the areas along Reasearch Boulevard and those areas that will be in the near future surrounded by development are taken in, when other industries are not. She asked when would it be said that these industries should be annexed; or were they never to be annexed. Councilman LaRue said Mr. McBee agreed when the surrounding area developed, that industries should be taken in, and this seemed to be the consensus of the entire business group. Councilman Long noted the statements filed, "follow the policy followed all along", and that is only on request. This does not answer the problem of going out where there are businesses on the fringe.

Mayor Akin stated as long as there was a policy that states only in general terms of bringing in the area or establishment at the proper time there is a lack in definite guidance for the Council. He would not welcome being in the position of making these determinations, nor would he want to decide whether one location should be annexed 150' back from the street, and another 500'. He said it would be well for the Council to authorize a study, and get a new basis upon which the Council could do better than it had been accustomed to doing.

The City Manager asked if they should express something in general terms and run the risk of its being inadequate or insufficient to answer a specific question; or should they go perhaps to the other extreme and try to answer every

single possibility and establish all types of criteria, which could become a burdening process. An industry would rather have something of record, that would set out that it would be annexed and subject to taxation at a certain time upon development rather than having a general and vague statement that sometime in the future the property would be annexed. Should the policy be over specified or go in the reverse direction of being too broad and too general whereby it could not be said to an existing industry, new industry, or property owners of any kind, that "this is the policy, is a matter of record, and can be relied upon". He added a resolution reaffirming the past practices may be inadequate and/or insufficient at some point in the future. He cited a specific incident of an area in which there were over 1,000 homes on septic tanks. At the time this property is incorporated in the City those property owners as well as the public will have a double expense, of putting in facilities. Councilman LaRue stated the Council would probably come up with the same solution as far as annexation is concerned, as they have with the zoning, and that is the individual councilman must come up with what, in his own best estimate and his own judgment is the best for the area.

Councilman Long proposed that the Council study this; and if any of the businessmen and others have some new ideas, the Council would welcome them. The City Manager suggested that the Administration also would draft an alternate resolution which in essence would reaffirm and confirm the past practice and then place both on the agenda in two weeks. Councilman Long said this would not be the last of these types of hearings and they did not have to make a decision today. It was agreed to study this for two weeks.

Mr. Stone was concerned as to what would happen to his clients who did not want to be annexed.

The Council recessed for lunch.

RECESSED MEETING

2:30 P.M.

The Council resumed its business at 2:30 P.M.

WAGE AND SALARY SCHEDULE FOR REGISTERED NURSES

The Council had before it for consideration an ordinance amending Wage and Salary Schedule for Registered Nurses, as follows:

<u>Classification</u> <u>Group & Range</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Max.</u> <u>Step 5</u>
I	515 2.96	540 3.10	565 3.25	590 3.39	615 3.53
II	555 3.19	590 3.33	605 3.48	630 3.62	655 3.76
III	620 3.56	650 3.74	680 3.91	710 4.08	740 4.25
IV	680 3.91	710 4.08	740 4.25	770 4.43	800 4.60
V	735 4.22	770 4.43	805 4.63	840 4.83	875 5.03

VI	795 4.57	830 4.77	865 4.97	900 5.17	935 5.37
VII	875 5.03	915 5.26	955 5.49	995 5.72	1035 5.95

Mr. Tinstman, City Manager, explained the ordinance in that it implements the 12½% for present nursing staff; then in addition it reflected a five step range each step rounded to \$5.00 increment. He said they were recommending this to the Council but this was not the original recommendation of the Hospital Staff. He believed this was a start in the direction they anticipated with respect to all city employees - the five step standard range with adequate differences between the steps. This would carry out the 12½% increase as reflected in the adopted budget. Councilman Long said the nurses were given a stated amount. She inquired if the Public Health Nurses would get this same schedule and it was stated they would. Councilman Nichols asked about the Wage and Salary study. The City Manager said he would be coming to the Council in the next few weeks for a discussion of this. He suggested doing this study internally, and be in a position of going into the revised pay plan in January and that it might be well to bring in a consultant on a limited basis, or to try on a pilot basis what they had before them now.

After further discussion, Mayor Akin introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ADOPTING AND ESTABLISHING A WAGE AND SALARY PLAN AND SCHEDULE FOR OFFICES AND EMPLOYMENTS OF THE CITY OF AUSTIN; DEFINING THE SCOPE OF THE WAGE AND SALARY PLAN; CREATING THE WAGE AND SALARY COMMITTEE; PROVIDING FOR THE CONTROL OF WAGE AND SALARY ADMINISTRATION; PROVIDING A SAVING CLAUSE, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 12, 1951, AND IS RECORDED IN BOOK "Q", PAGES 363-370 OF THE ORDINANCE RECORDS OF THE CITY IN SECTION 5 RELATING TO A SPECIAL WAGE-SALARY SCHEDULE FOR REGISTERED NURSES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The Mayor announced that the ordinance had been finally passed.

JOINT MEETING WITH REGIONAL PLANNING COMMISSION AND COMMISSIONERS COURT

The City Manager stated the Austin Travis County Organization for Regional Planning would like a meeting with the City Council to review the recommendation of the Regional Planning Commission regarding the future of the organization and to discuss this matter in a joint meeting with the City Council and the Travis County Commissioners Court. The Council agreed to meet with them at 2:00 P.M. October 26th.

Meeting with Highway Department regarding Mo-Pac

The City Manager said the Council had previously designated October 25th for an informal briefing with respect to the Missouri Pacific right of way project with the Highway Department.

Traffic Light

Councilman LaRue presented a petition for a traffic light at 19th and Springdale Road to be filed with the City Clerk. Upon inquiry from Councilman Nichols, it was stated this was under the Traffic and Transportation Department. Councilman Nichols said they had asked for a report on South First Street.

Parking and Signal Light Request

Councilman LaRue had a letter pertaining to parking at 2nd Street and San Jacinto. Councilman Nichols noted a letter also had been received from Burnet Junior High Parent Teachers Association regarding a traffic control signal on Burnet Road near the Junior High School. This was to be placed on the agenda next week.

Missouri Pacific Right of Way

The City Attorney stated in 1961 a contract was made with the Missouri Pacific Railroad Company by which the City obtained 50 feet of right of way on either side of the railroad track on the outer side of the 200 foot right of way owned by the railroad company. Most of this right of way was between 5th Street and Hancock Drive. The railroad company did not own 200 feet north of Hancock Drive as the right of way narrowed to 100 feet in width. The Highway Department's plans, if the boulevard is to be built to the Highway's specifications, require additional right of way. It is preferable that the additional width come from the remaining 100 feet of the right of way of the Missouri Pacific Railroad Company if possible. In the spring of this year, members of the staff and of the Council met with the railroad company officials from Houston and asked for an additional 20 feet on each side of the right of way, which would be a total of 40 feet leaving a 60 foot right of way for railroad purposes from Northland Drive to 5th Street. This would include an additional 20 feet between Northland Drive

to Hancock Drive not included in the original agreement. The Highway Department at that time also told the City an additional 30 feet running farther toward the downtown section (5th and 6th Streets) was needed but subsequent engineering work enabled them to forego obtaining additional right of way from the railroad company east of the intersection at 6th Street.

The City Attorney said they had met with the railroad officials yesterday and had asked them on what basis the City would be able to obtain this 20 foot right of way, hoping it could be obtained without cost.

About \$148,000 would be required to replace the railroad's and Western Union's signal systems underground. This was desirable, but the limited distance between the highway and roadway of the railroad track makes it virtually impossible to maintain a pole line at the same place as the drainage system. The underground signal system was a requirement initiated by the Highway Department. The City has a contract with the State by which the City is required to provide right of way free of utilities, and also a contract with the railroad company which is to provide the City right of way, and the City is asking for more right of way. Discussion was held on relocating utility lines. The City Manager stated these utilities were on what constitutes private property. The City Attorney reported work had begun on acquiring a private easement on which to place the City's utilities along the side of the highway. He pointed out the advantages to the railroad company to have the utilities relocated underground, and also to enter into a joint drainage maintenance agreement with the Highway Department to eliminate weed cutting and some of the hazards the company has along its right of way. The tracks would be more accessible, and the drainage would be better channeled, at the Highway Department's expense of constructing the drainage structures. Later the Highway Department would enter into a co-operative agreement with the Railroad Company for the maintenance. The City Attorney believed there were advantages to the Railroad Company to dedicate the additional 20 feet.

The 1961 agreement required that the City relocate the Hooper team track which is immediately south of Hancock Drive on the west side of the track before the City separated the grade at Hancock Drive, the last of the grade separations provided in the 1961 contract. The Railroad Company now believes it would be better to relocate the track adjacent to Highway 183, running south about 900 feet from the Highway and it was hopeful that the City would pick up the added cost of construction at this new site on Highway 183, which needs drainage structures and fill not anticipated at the former location farther south that previously had been agreed upon. This relocation would require city participation up to \$34,000 in the construction of the team track plus furnishing the land on 183 on the east side of the railroad.

The Railroad Company wants to include in the agreement that the City would not create new grade crossings, and that they would not be asked to participate in the construction costs of grade separations. Councilman LaRue asked if the City would be required to put in any more grade separations beyond Hancock Drive, and the City Attorney replied it would not; however, the City had a contract with the Highway Department obligating them to construct grade separations at Hart Lane, Northland Drive, and Anderson Lane. This did not impose a new obligation upon the City, and the Highway Department had indicated a hope of obtaining 10% participation from the Railroad Company in this cost of constructing the grade separations, but there is no contract to that effect. The City has two contracts --one with the Highway Department that they will build the separations, but with no mention of who was to pay; the other contract is with the Railroad Company

that the City would not require them to participate. The City Attorney stated Mr. Hester, Railroad Company official, was willing to present the matter to the Management in St. Louis. The construction on Hancock Drive was to be underway by the 15th of December in order to carry out the provisions of the 1961 contract; but if the City is to have the additional 20 feet of width, the design of that structure will be considerably different.

The City Manager reported one of the points of concern is the Highway Department's proceeding and the necessity of resolving the 20 foot right of way question, as the 40 foot right of way makes a difference in design.

Councilman Nichols asked if it were the recommendation that the original agreement be amended to take care of these items, and the 20 foot right of way be another item. The City Attorney explained this was the Railroad Company's recommendation, but it would be to the city's advantage not to make separate agreements. It was his suggestion that the City acquire the property for the railroad's team track and pay for the additional cost for relocating it. He recommended extending the old contract, or cancelling it and writing another one, but not to try to make two separate contracts.

The City Manager suggested if the Council were in general agreement with this approach, it might instruct the City Attorney to start drafting a contract addendum; and in the meantime appraisals of the land could be obtained.

The City Attorney outlined the maximum costs of the City involved in purchasing the new site \$20,000 construction of team track (\$34,000) plus relocation of utilities \$140,000 totaling \$194,000. He said if Mr. Hester agreed to recommend this arrangement to the Management, then he would recommend if the City can do its part, that it do so.

For the additional 20 feet given by the Missouri Pacific Railroad the City would do the following:

1. Agree to acquire a 2 acre site along Highway 183 for the Railroad's new team track (approximately \$20,000) and participate up to \$34,000 in the construction of it.
2. Pay for the relocation of the telegraph and signal lines to underground cable, less however the amount which the Railroad had previously estimated it would cost to relocate such lines under the 1961 agreement (thought to be \$8,000).
3. Agree that the Railroad would not be called upon to participate in grade separations along Missouri Pacific Boulevard from Northland Drive to U.S. 183.

Councilman LaRue moved the City Manager be authorized to pursue this contract in the manner described by the City Attorney. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

Councilman Nichols said there was considerable work done on the agreement. The railroad's cost projected on this team track is considerably above the \$34,000

of the engineers, and why they agreed on the lesser figure he could not figure out. The City Attorney said an explanation might be that this is a continuation of their earlier agreement, actually it cost a good deal more than \$17,000 to relocate just north of Northland Drive and yet part of the agreement was that the city would not spend more than \$17,000 although at the time it was estimated it would run as much as \$21,000.

Councilman Janes asked about the speed limits of trains. It was explained the speeds were graduated. He said the railroads anticipated that once the grades are all separated the Council would look favorably upon increasing the speed limits. Short discussion of the speed limits was held.

Request for exemption of taxes

Councilman Long asked the City Attorney if since the Texas Federated Women's Club is using part of their dormitory space for students, for which they charge a certain amount if they might have some tax advantage. The City Attorney saw no reason for exemption. Councilman Long brought out that SRD and Kirby Hall were not on the tax roll.

Water Pollution - grants

Councilman Long stated the City had two applications in for two projects. According to the Texas Pollution report Austin is about 5th in line for \$25,900 federal grant and about 25th for the \$396,000 grant for which it has made application. Councilman Long referred this information to the City Manager.

Ambulance Petition

Councilman Nichols inquired about the petition filed regarding the ambulance franchise. The City Attorney said he hoped to have a report next week. He said he thought they would be entitled to a referendum at some point but the question was when, and he would bring the Council a copy of the original law and the subsequent reprinting of the original law with his report.

.

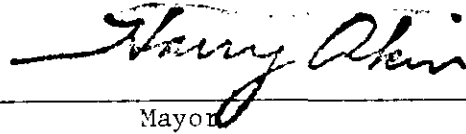
Councilman Long asked if the City could render a minor service of taking care of animals under a person's house or sick animals in people's yards. She said these animals might be rabid and a person could not shoot it, they cannot trap it, they cannot do anything, they call the police and fire departments and they do not provide this service. She asked if some kind of service could be provided. The City Manager said he would look into this.

There being no further business, Councilman LaRue moved the Council adjourn. The motion, seconded by Councilman Janes, carried by the following vote:

October 12, 1967

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

APPROVED


Mayor

ATTEST:


Asst. City Clerk